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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

STEVEN DANIEL ARIAZ, JR.,

Defendant and Appellant.

E049154

(Super.Ct.No. SICRF0948327004)

OPINION

APPEAL from the Superior Court of Inyo County. Brian J. Lamb, Judge.

Affirmed.

Anita P. Jog, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

Defendant and appellant Steven Daniel Ariaz, Jr., appeals from a guilty plea to one count of carjacking in violation of Penal Code section 215, subdivision (a).¹ We affirm.

¹ All further statutory references are to the Penal Code unless otherwise indicated.

FACTUAL AND PROCEDURAL BACKGROUND

The victim told a sheriff's deputy he agreed to give defendant and three other passengers a ride from a casino to defendant's home on May 3, 2009. The victim stopped the vehicle near defendant's driveway to let them out. However, defendant and the other two passengers would not get out of the vehicle until defendant drove them all the way to the end of defendant's driveway. Defendant instructed the victim to pull up all the way to the end of the driveway and "kill your lights."

While the victim was letting defendant and the others out of the car, one of them reached over, turned the car off, and took the keys out of the ignition. A struggle began, and the victim was threatened with a knife, punched in the stomach, hit in the head, and then forced to get into the trunk of the car.

Inside the trunk, the victim feared for his life. He remembered he had his mother's cellular telephone in his pocket, so he pulled it out and hit the redial button. When the driver realized the victim had a cellular telephone, he stopped the car. The victim recalled the trunk being opened, and seeing defendant and one of the other passengers standing over him demanding he hand over the cellular telephone. Once again, the victim was threatened with a knife. The cellular telephone was taken, and defendant closed the trunk again with the victim inside.

Although the victim felt the car begin to move again, he was able to locate the trunk release, open the trunk, and jump out. When he jumped out, he lost his shoes and his hat. He was then chased with the car, but he ran into a nearby house. The occupant of the house went outside and was arguing with defendant and the others. When all was

quiet, the victim looked out the window and did not see anyone around. He noticed the car parked in front of the house, so he went outside, got into the car, took the spare key out of the ashtray, and went back to the casino to pick up his mother. At some point, police were called, and the responding deputy found the victim's shoes and hat in defendant's driveway.

Defendant and the other two passengers were charged as follows: count 1, carjacking (§ 215, subd. (a)); count 2, kidnapping (§207, subd. (a)); count 3, robbery (§ 211); count 4, false imprisonment by force (§ 236); and count 5, criminal threats (§ 422). As to all counts, it was further alleged defendant had served two prior prison terms within the meaning of section 667.5, subdivision (b).

Pursuant to a written plea agreement, defendant pled "no contest" on August 6, 2009, to count 1, carjacking, and admitted the two prior prison terms in exchange for seven years in state prison and the dismissal of all remaining counts. On August 21, 2009, the court followed the plea agreement and sentenced defendant to a total of seven years in state prison. To reach the seven-year sentence, the court imposed the middle term of five years on count 1 and added two consecutive one-year terms under section 667.5 because of the prior prison terms.

DISCUSSION

On August 31, 2009, defendant filed a notice of appeal indicating he wished to challenge his sentence. We appointed counsel to represent defendant on appeal.

Appointed counsel on appeal has filed a brief under *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738, setting forth the facts and procedural

history, raising no specific issues, and requesting this court to conduct an independent review of the record. On January 19, 2010, we offered defendant an opportunity to file a personal supplemental brief, which he failed to do. We have now concluded our independent review of the record and find no arguable issues.

DISPOSITION

The judgment is affirmed.

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RAMIREZ
P. J.

We concur:

RICHLI
J.

KING
J.